



PUBLIC NOTICE

Federal Communications Commission
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DA 08-2030

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**COMMISSION REVISES AND SUSPENDS PENDING OMB APPROVAL
NEW STANDARDS
FOR SHOWINGS OF EFFECTIVE COMPETITION
FOR CABLE SERVICE**

On August 13, 2008, the Federal Communications Commission released Public Notice DA 08-1892, clarifying the zip code data that must be submitted to support a petition for “competing provider” effective competition in the cable operator’s franchise area pursuant to Section 623(l)(1)(B) of the Communications Act and Section 76.905(b)(2) of the Commission’s rules.¹ Specifically, the Commission stated that it will require any cable operator that submits “Zip Code” data to demonstrate that the number of households subscribing to video programming from providers other than the largest video programming distributor exceeds 15 percent of the households in a franchise area submit “Nine Digit Zip Code Plus Four” data. The clarification was to apply to petitions filed on and after September 1, 2008.

This Public Notice revises and clarifies Public Notice DA 08-1892. First, the September 1, 2008, effective date is postponed pending approval of the clarified Zip Code data requirements by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act.² After OMB approval is received, the Commission will publish a document in the Federal Register announcing the effective date.

Second, the Commission further clarifies the instances in which “Nine Digit Zip Code Plus Four” data must be provided to adequately support a finding of competing provider effective competition. “Nine-Digit Zip Code Plus Four” data will be required for five digit zip codes the boundaries of which lie only partly within a franchise area. “Five-Digit Zip Code” data will continue to suffice for zip codes the boundaries of which lie entirely within a franchise area because that data will be exactly the same as the competing provider penetration reflected in “Nine Digit Zip Code Plus Four” data.

Accordingly, until OMB approval is received and the effective date is published in the Federal Register, the Commission will continue processing effective competition competing provider petitions that are supported by any reliable data as we have in the past.

¹ 47 U.S.C. § 543(l)(1)(B); 47 C.F.R. § 76.905(b)(2).

² Paperwork Reduction Act of 1995, P.L. 104-13, October 1, 1995, 44 U.S.C. §§ 3501-3520.

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